

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-131-RJC-DCK**

ARK PROMOTIONS, INC.

Plaintiff,

v.

**JUSTIN.TV, INC., YOUTUBE LLC, and
YOUTUBE, INC.**

Defendants

ORDER

THIS MATTER comes before the Court on Defendants’ Partial Motion to Dismiss, (Doc. No. 16), Plaintiff’s Response, (Doc. No. 20), and the Magistrate Judge’s Memorandum and Recommendation (“M&R”), (Doc. No. 22), recommending that the Motion be granted. The parties were advised that objections to the M&R were to be filed by September 17, 2012. The time for filing objections has since passed and no objections were filed by either party in this matter. For the reasons stated below, the Court **GRANTS** Defendants’ motion to dismiss counts one (1), two (2) and seven (7) of Plaintiff’s Complaint.

I. STANDARD OF REVIEW

The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

II. DISCUSSION

The Magistrate Judge issued an M&R on August 29, 2012. (Doc. No 22). Plaintiff has not filed any objection to the Magistrate Judge's thorough examination and dismissal of certain of Plaintiff's claims. This Court finds no clear error with the Magistrate Judge's recommendation and concludes that the findings of fact are supported by the record and the conclusions of law are consistent with and supported by relevant case law. Accordingly, this Court hereby accepts the Magistrate Judge's M&R and adopts it as the final decision of the Court for all purposes relating to this case.

III. CONCLUSION

IT IS, THEREFORE, ORDERED that:

1. The Magistrate Judge's M&R, (Doc No. 20) is **ADOPTED**; and
2. Defendants' Partial Motion to Dismiss is **GRANTED**.

Signed: October 16, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

